

Gold Dust 2.5 Acres

ESLO Hardship Exemption Narrative

Introduction

The Gold Dust 2.5 Acres property is located in the eastern portion of the City of Scottsdale at 12655 E. Gold Dust Ave. The northern edge of the property fronts onto Gold Dust Avenue, with 126th St. to the west, 128th St. to the east, and Turquoise Ave. to the south (see Site Location Map for the site). The subject property is located in a low-density area that has seen an historic trend in splitting 2.5 acres lots into 1.25 acre lots. The development of these splits, occurring both before and after the adoption and application of the ESL Ordinance, has trended towards a shared common sideyard wall with NAOS dedications typically to the rear of the properties with various exceptions for significant drainage features. This has successfully led to the preservation of broad NAOS corridors that support native plant species, wildlife corridors and meaningful open space areas throughout the community.

Exemption Request

This application requests a waiver of the 15-foot sideyard wall setback requirement as stated in the Environmentally Sensitive Lands Ordinance (ESLO III) #6.1071-A-4. Specifically, the waiver would apply to the 15-foot setback requirement for the western and eastern property lines of Lot 1, and the western property line of Lot 2 (see attached Conceptual Site Plan exhibit.)

Justification for Exemption

1. Substantial Hardship:

The combination of on-site drainage features, setbacks required by the R1-43 ESL zoning district, and the required 15-foot setback of the ESL Ordinance cumulatively reduce the amount of developable land and constrains the width of the custom home product on the lot. This reduces the overall use of the property.

2. Consistent with the Intent and Purpose of the Ordinance:

Part of the purpose of the ESLO, as related to this project, is to identify and protect environmentally sensitive lands in the City and to provide a higher quality of life for its citizens. It is also meant to preserve and enhance the character of these open spaces. In an effort to effectively

balance development with open space areas, the methods by which these areas are defined become more critical. Proposed open space areas to be dedicated as NAOS should be located in portions of the site that compliment existing adjacent open space.

The applicant is proposing a consolidation of NAOS area on the site to areas of greatest suitability. By waiving the requirement for narrow open space easements between lots, that area can be shifted to areas where the preservation of natural area is more effective.

The applicant feels that the off-site buffer (80') to the west of the subject property is adequate and that by relieving the requirement for an additional 15', this area can be transferred to the southern and eastern property lines where additional buffering is appropriate due to existing and planned drainage conditions.

The applicant has met the objective of the ESL Ordinance by recognizing the value of the existing natural areas throughout the site and has consolidated most of the Natural Area Open Space (NAOS) in the rear of the property so as to maintain the contiguity of existing wildlife corridors and the habitat areas that have been established by preceding development on adjacent properties.

3. No Significant Benefit:

The application of the 15-foot sideyard wall setback will not achieve a significant benefit that is more than what is proposed by the applicant. On the west side of the property, there is an existing 80 foot NAOS corridor dedicated immediately adjacent to the property line. The addition of 15' to the corridor from the setback will achieve no significant benefit than what exists now and would be better applied toward the increased depth/width of open space on other portions of the site. On the east property line of the property, there is an adjacent property that was not obligated to meet the same 15' setback criteria, which has resulted in an existing wall on the property line. This will result in a 15' open space corridor that will have very low natural and community value as a result of narrow width, heavy shading (detrimental to native species) and excessive wall structure improvements. The applicant feels than an equitable alternative is accomplished through the proposed dedication of the 30 foot NAOS corridor on the eastern property edge.

Furthermore, the implementation of the 15-foot setback on the east and west property sideyards will reduce the amount of NAOS that can be redirected and dedicated in the rear of the property. The increased amount of contiguous open space in the rear of the property will contribute more meaningful amounts of undisturbed open space, leading to better protection and sustainability of native plant and

animal species, and enhance the community character of the area. This solution is consistent with the open space patterns in the area, which have been established by other developments.

4. **Conformance:** The requested exemption is in conformance with previous versions of ESLO that were adopted before May 21, 2004.

Conclusion

The applicant is seeking relief from the adopted ESLO requirements to retain an appropriate development objective for the subject property and to ensure the highest level of environmental benefit for those portions of the property, and the surrounding area, that are dedicated as natural area open space. The applicant recognizes the importance of the ESL ordinance, but given the unique circumstances of the current property conditions, does not feel that dedication of NAOS for the sake of simply meeting the ESL requirements is the most appropriate solution in this circumstance. Direct application of the ESL Ordinance will create a substantial hardship relative to the development of the subject properties and that a thoughtful alternative will be of greater benefit for all interests involved.

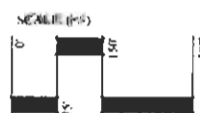
The applicant maintains that the proposed site plan meets or exceeds the goals and objectives of the ESL ordinance and is confident that the proposed development will protect environmental sensitivity of the area. The plan will also maintain the continuity of the type of development that has occurred in the community, thus contributing positively to the character of the area.

Thank you for your consideration of this exemption request.



SITE LOCATION MAP - w/ AERIAL OVERLAY

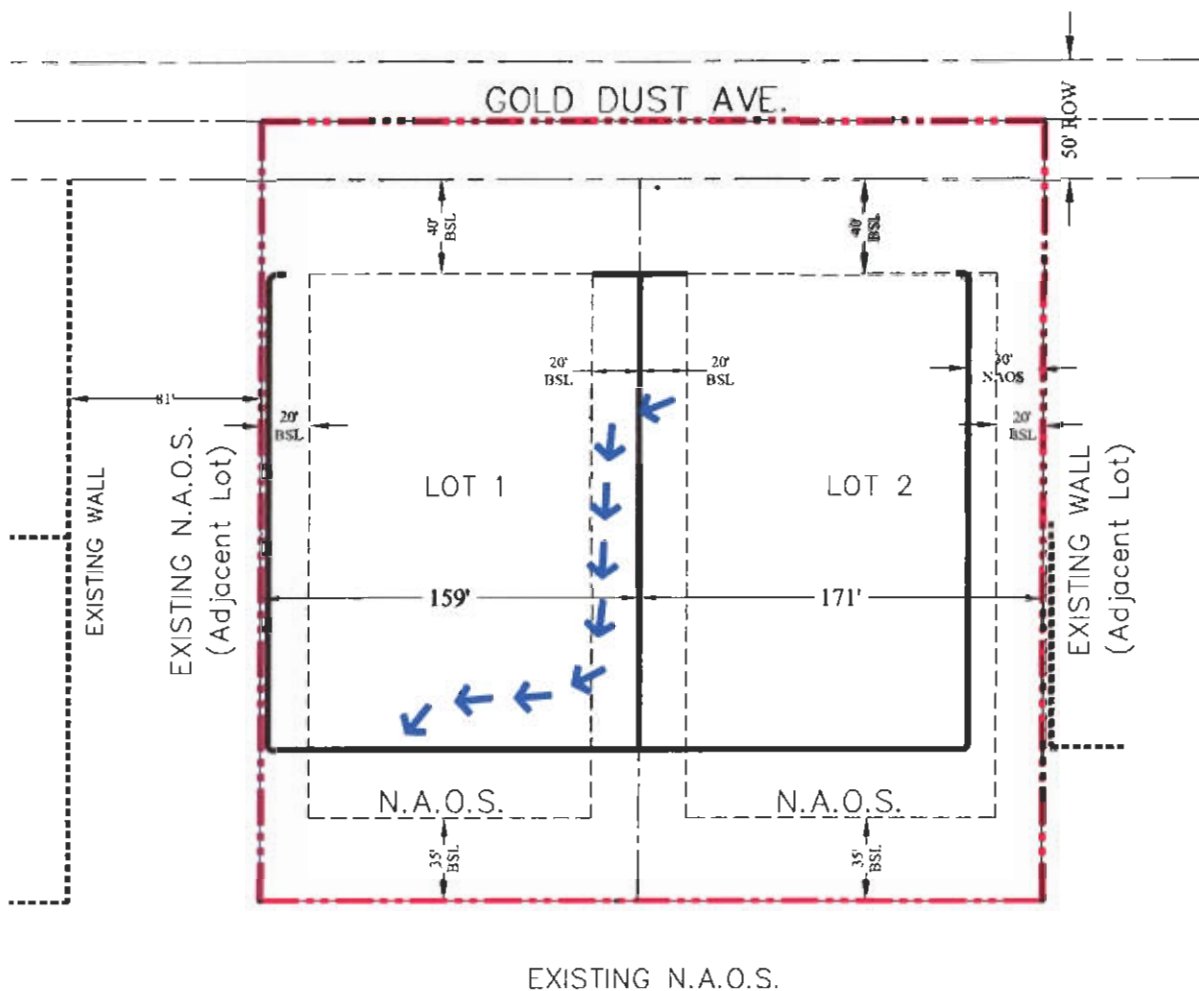
GOLD DUST 2.5
SCOTTSDALE, ARIZONA



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